

PATTERSON, THUENTE, SKAAR & CHRISTENSEN, P.A.
4800 IDS Center, 80 South Eighth Street
Minneapolis, Minnesota 55402-2100 USA

RECEIVED
CENTRAL FAX CENTER

JUN 30 2005

FACSIMILE COVER SHEET

TELEPHONE: (612) 349-5740

TOLL FREE: 1-800 331-4537

FACSIMILE: (612) 349-9266

TOTAL NUMBER OF PAGES BEING SENT (INCLUDING COVER SHEET): 8

☐ Original documents to follow by mail

☒ No originals will be sent

DATE: June 30, 2005

TO: Group Art Unit 3752
U.S. Patent & Trademark Office

FAX #: 1-703-872-9306

PHONE #:

Application No.: 10/760,040
Applicant: Brewer et al.
Due Date: n/a

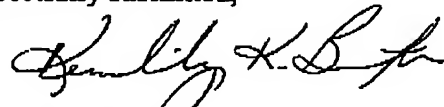
OUR REF.: 1798.50US 35

FROM: Kimberly K. Baxter
PHONE #: 612-349-5750

Attached please find the following for filing in the above-identified application.

- (1) Information Disclosure Statement - 2 pgs; and
- (2) Form PTO-1449 - 4 pgs.

Respectfully submitted,



Kimberly K. Baxter
Registration No. 40,504

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 1-703-872-9306 on the date shown below.

June 30, 2005
Date


Kimberly K. Baxter

THIS FACSIMILE TRANSMISSION CONTAINS LEGALLY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE PARTY IDENTIFIED ABOVE. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE CALL PATTERSON, THUENTE, SKAAR & CHRISTENSEN COLLECT AT (612) 349-5740. DISTRIBUTION, REPRODUCTION OR ANY OTHER USE OF THIS TRANSMISSION BY ANY PARTY OTHER THAN THE INTENDED RECIPIENT IS STRICTLY PROHIBITED.

FACSIMILE SENT BY: 

JUN 30 2005

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1798.50 JS05

Brewer et al.

Confirmation No.: 3486

Application No.: 10/760,040

Examiner: Not Assigned

Filed: January 16, 2004

Group Art Unit: 3752

For: METHOD AND APPARATUS FOR DELIVERING A BIPHASIC DEFIBRILLATION
PULSE WITH VARIABLE ENERGY

INFORMATION DISCLOSURE STATEMENTMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached Form PTO-1449. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This information is being filed before the mailing date of a first Office Action on the merits. No certification or fee is required.

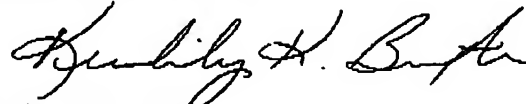
Copies of the references were cited by or submitted to the Office in Patent Application No. 10/078,735, filed February 19, 2002; 09/678,820, filed October 4, 2000; 09/383,561, filed August 26, 1999; and 08/886,736, filed July 1, 1997, all of which are relied upon for an earlier

Application No. 10/760,040

filing date under 35 U.S.C. § 120. Thus, copies of these references are not attached. 37 C.F.R. § 1.98(d).

This application was filed after June 30, 2003; therefore, copies of cited U.S. patents and U.S. published applications are not included.

Respectfully submitted,



Kimberly K. Baxter
Registration No. 40,504

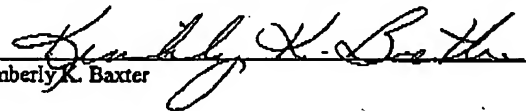
Customer No. 24113
Patterson, Thuent, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-5750

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office, Fax No. 1-703-812-9306 on the date shown below.

June 30, 2005
Date


Kimberly K. Baxter

Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/760,040
				Filing Date	January 16, 2004
				First Named Inventor	Brewer et al.
				Art Unit	3752
				Examiner Name	Not Assigned
Sheet	1	of	4	Attorney Docket Number	1798.50US05
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL ¹	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		Number-Kind Code ² (if known)			
		US-3,706,313	12-1972	Milani et al.	
		US-3,857,398	12-1974	Rubin	
		US-3,886,950	06-1975	Ukkestad et al.	
		US-4,050,004	09-1977	Greatbatch	
		US-4,504,773	03-1985	Suzuki et al.	
		US-4,566,457	01-1986	Stemple	
		US-4,575,810	03-1986	Lerman	
		US-4,619,265	10-1986	Morgan et al.	
		US-4,637,397	01-1987	Jones et al.	
		US-4,745,923	05-1988	Winstrom	
		US-4,768,512	09-1988	Imran	
		US-4,821,723	04-1989	Baker, Jr. et al.	
		US-4,823,796	04-1989	Benson	
		US-4,850,357	07-1989	Bach, Jr.	
		US-4,953,551	09-1990	Mehra et al.	
		US-4,998,531	03-1991	Bocchi et al.	
		US-5,083,562	01-1992	de Coriolis et al.	
FOREIGN PATENT DOCUMENTS					
EXAMINER INITIAL ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)			
		EP 25,894/62	12-1962		
		EP 0 281 219 A	09-1988		
		EP 0 445 800 A1	09-1991		
		EP 0 487 776 A1	06-1992		
		EP 0 507 504 A1	10-1992		
		WO 94/27674	12-1994		
		WO 95/051215	02-1995		
		WO 95/09673	04-1995		
EXAMINER SIGNATURE			DATE CONSIDERED		

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

²Applicant's unique citation designation number (optional). ³See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ⁴Enter Office that issued the document by the two-letter code (WIPO Standard ST.3). ⁵For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁶Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁷Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				<i>Complete if Known</i>	
				Application Number	10/760,040
				Filing Date	January 16, 2004
				First Named Inventor	Brewer et al.
				Art Unit	3752
Examiner Name				Not Assigned	
Sheet	2	of	4	Attorney Docket Number 1798.50US05	
U.S. PATENT DOCUMENTS					
EXAMINER INITIAL [*]	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		Number-Kind Code ² (if known)			
		US-5,207,219	04-1993	Adams et al.	
		US-5,306,291	04-1994	Kroll et al.	
		US-5,352,239	10-1994	Pless	
		US-5,372,606	12-1994	Lang et al.	
		US-5,385,575	01-1995	Adams	
		US-5,391,186	02-1995	Kroll et al.	
		US-5,395,395	03-1995	Hedberg	
		US-5,405,361	04-1995	Persson	
		US-5,411,525	05-1995	Swanson et al.	
		US-5,411,526	05-1995	Kroll et al.	
		US-5,431,686	07-1995	Kroll et al.	
		US-5,593,427	01-1997	Gliner et al.	
		US-5,601,612	02-1997	Gliner et al.	
		US-5,607,454	03-1997	Cameron et al.	
		US-5,725,560	03-1998	Brink	
		US-			
		US-			
		US-			
		US-			
FOREIGN PATENT DOCUMENTS					
EXAMINER INITIAL [*]	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁶
		Country Code ⁴ Number ⁴ Kind Code ³ (if known)			
EXAMINER SIGNATURE			DATE CONSIDERED		
<p>[*]EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Times will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.</p>					

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known		
				Application Number	10/760,040	
				Filing Date	January 16, 2004	
				First Named Inventor	Brewer et al.	
				Art Unit	3752	
				Examiner Name	Not Assigned	
Sheet	3	of	4	Attorney Docket Number		1798.50US05
NON PATENT LITERATURE DOCUMENTS						
EXAMINER INITIAL ²	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published				T ²
		A Minimal Model of the Monophasic Defibrillation Pulse, by Mark W. Kroll, Pacing and Clinical Electrophysiology, Futura Publishing Co., Vol. 16, No. 4, Part I, pp. 693-827, April 1993.				
		A Minimal Model of the Single Capacitor Biphasic Defibrillation Waveform, by Mark W. Kroll, Pacing and Clinical Electrophysiology, Futura Publishing Co., Vol. 17, No. 11, Part I, pp. 1707-1836, November 1994.				
		Optimizing Defibrillation Through Improved Waveforms, by Michael Block and Günter Breithardt, Pacing and Clinical Electrophysiology, Futura Publishing Co., Vol. 18, No. 3, Part II, pp. 505-631, March 1995.				
		Optimal Truncation of Defibrillation Pulses, by Werner Irnich, Pacing and Clinical Electrophysiology, Futura Publishing Co., Vol. 18, No. 4, pp. 633-758, April 1995.				
		A Conceptual Basis for Defibrillation of Waveforms, by Brian G. Cleland, Pacing and Clinical Electrophysiology, Futura Publishing Co., Vol. 19, No. 8, pp. 1141-1272, August 1996.				
		Choosing the Optimal Monophasic and Biphasic Waveforms for Ventricular Defibrillation, by G.P. Walcott, R.G. Walker, A.W. Cates, W. Krassowski, W.M. Smith, R.E. Ideker, Journal of Cardiovascular Electrophysiology, Futura Publishing Co., Vol. 6, No. 9, pp. 737-750, September 1995.				
		On The Intensity-Time Relations for Stimulation by Electric Currents I, by H.A. Blair, The Journal of General Physiology, Rockefeller Institute for Medical Research, Vol. 15, pp. 708-729, 1932.				
		On The Intensity-Time Relations for Stimulation by Electric Currents II, H.A. Blair, The Journal of General Physiology, Rockefeller Institute for Medical Research, Vol. 15, pp. 731-755, 1932.				
		Ventricular Defibrillation Using Biphasic Waveforms: The Importance of Phasic Duration, by A.S.L. Tang, S. Yabe, J.M. Wharton, M. Doker, W.M. Smith, R.E. Ideker, Journal of the American College of Cardiology, American College of Cardiology, Vol. 13, No. 1, pp. 207-214, January 1989.				
EXAMINER SIGNATURE				DATE CONSIDERED		
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.</p> <p>This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.</p> <p style="text-align: center;">If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2</p>						

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/760,040
				Filing Date	January 16, 2004
				First Named Inventor	Brcwer et al.
				Art Unit	3752
				Examiner Name	Not Assigned
Sheet	4	of	4	Attorney Docket Number	1798.50US05

NON PATENT LITERATURE DOCUMENTS

EXAMINER INITIAL ²	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		<i>Improved Defibrillation Thresholds With Large Contoured Epicardial Electrodes and Biphasic Waveforms</i> , by S.A. Feeser, A.S.L. Tang, K.M. Kavanaugh, D.L. Rollins, W.M. Smith, P.D. Wolf, R.E. Ideker, Circulation, American Heart Association, Vol. 76, No. 5, pp.1176-1184, November 1987.	
		<i>Strength-Duration and Probability of Success Curves for Defibrillation With Biphasic Waveforms</i> , S.A. Feeser, A.S.L. Tang, K.M. Kavanaugh, D.L. Rollins, W.M. Smith, P.D. Wolf, R.E. Ideker, Circulation, American Heart Association, Vol. 82, No. 6, pp. 2128-2141, December 1990.	
		<i>Truncated Biphasic Pulses for Transthoracic Defibrillation</i> , by G.H. Bardy, B.E. Gliner, P.J. Kudenchuk, J.E. Poole, G.L. Dolack, G.K. Jones, J. Anderson, C. Troutman, G. Johnson, Circulation, American Heart Association, Vol. 91, No. 6, pp. 1768-1774, March 1995.	
		<i>Transthoracic Defibrillation of Swine With Monophasic and Biphasic Waveforms</i> , by B.E. Gliner, T.E. Lyster, S.M. Dillion, G.H. Bardy, Circulation, American Heart Association, Vol. 92, No. 6, pp. 1634-1643, September 1995.	
		<i>Multicenter Comparison of Truncated Biphasic Shocks and Standard Damped Sine Wave Monophasic Shocks for Transthoracic Ventricular Defibrillation</i> , G.H. Bardy, F.E. Marchlinkski, A.D. Sharma, S.J. Worley, R.M. Luceri, R. Yee, B.D. Halperin, C.L. Fellows, T.S. Ahern, D.A. Chilson, D.L. Packer, D.J. Wilber, T.A. Mattioni, R. Reddy, R.A. Kronmal, R. Lazzara, Circulation, American Heart Association, Vol. 94, No. 10, pp. 2507-2514, November 1995.	
		<i>Charge Burping Predicts Optimal Ratios of Phase Duration for Biphasic Defibrillation</i> , by C.D. Swardlow, W. Fan, J.E. Brewer, NASPE Abstracts, Sec. 361, not dated.	
EXAMINER SIGNATURE			DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.